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May 19, 2020

BY ECF

Hon. Ona T. Wang
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 20D
New York, New York 10007-1312

Re: In Re Application of Vale International S.A., Vale Holdings B.V., and Vale International S.A. for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings
Case No. 1:20-MC-00199-JGK-OTW (S.D.N.Y.)

Dear Magistrate Judge Wang:

We write as counsel to Nysco Management Corporation (“Nysco”). Nysco is a defendant in the proceedings before the UK High Court (*Vale S.A. et al. v. Steinmetz et al.*, No. CL-2019-000723) in support of which the Applicants here—Vale S.A., Vale Holdings B.V., and Vale International S.A. (collectively, “Vale”—seek discovery under 28 U.S.C. § 1782 (“Section 1782”). *See* Dkt. No. 2 at 1.

Although Vale seeks relief on an “*ex parte*” basis, Dkt. No. 1, Vale has made “no showing . . . that ex parte treatment is necessary in this case.” *In Re: Ex Parte Application of Iraq Telecom Limited for an Expedited Order to Take Discovery Pursuant to 28 U.S.C. § 1782*, No. 1:18-MC-00458 (OTW) (S.D.N.Y. Oct. 22, 2018). “The orderly way to proceed is to give notice to all parties.” *Id.* In any event, Nysco has become aware of the application and intends to file a response. Nysco has standing to challenge the application because it is a party “against whom the requested information will be used.” *In re Sarrio*, 119 F.3d 143, 147–48 (2d Cir. 1997); *In Re: Hornbeam Corp.*, 1:14-MC-00424 (P1), 2015 WL 13647606, at *2 (S.D.N.Y. Sept. 17, 2015), *aff’d*, 722 F. App’x 7 (2d Cir. 2018).

Accordingly, we respectfully request that the Court reserve decision on Vale’s application, require notification of all interested parties, and set a briefing schedule that permits Nysco and any other interested party to file a response if it wishes to do so.

AMERICAS (NEW YORK, BUENOS AIRES, CHICAGO, DELAWARE, MIAMI, SAN FRANCISCO, SÃO PAULO, WASHINGTON DC)

ASIA-PACIFIC (HONG KONG, SEOUL, SHANGHAI), **EMEA** (LONDON, TEL AVIV), **OFFSHORE** (BVI, CAYMAN ISLANDS)

KOBRE & KIM REFERS TO KOBRE & KIM LLP, A NEW YORK LIMITED LIABILITY PARTNERSHIP.

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Respectfully submitted,

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cc: Counsel for Vale, Counsel for Fine Arts NY LLC (via ECF)